

August 6, 2019

BY ELECTRONIC FILING

Hon. Elizabeth A. Wolford
United States District Judge
Western District of New York
Kenneth B. Keating Federal Building
100 State Street
Rochester, New York 14614

Re: United States v. Robert Morgan, 18-CR-108-EAW

Dear Judge Wolford:

We write on behalf of our client, Mr. Robert Morgan, in the above-referenced action. Consistent with the Court's guidance, we contacted the government on August 5, 2019 to schedule a call to discuss the potential sale of a real property located in New York that Mr. Morgan does not own and is not subject to any forfeiture allegation in the Superseding Indictment (the "Unindicted Real Property"). In response, the government has asked us to write to Your Honor on its behalf to "request an exception to the Court's informal order (and the government's agreement) for the government not to engage in any discussions with any parties about unindicted properties."¹ While our proposed call is between the government and Mr. Morgan's counsel, the government is concerned that our discussion "may lead to third parties being involved, and thus violat[e] the Court Order," based on the government's interpretation of the Court's August 5, 2019 decision and order ("August 5 Order").

We contacted the government because, notwithstanding the July 22, 2019 hearing before the Court and the August 5 Order, some third parties are still worried that the government may seek forfeiture of real properties that Mr. Morgan does not own and are not subject to any forfeiture allegation in the Superseding Indictment (collectively, the "Unindicted Real Properties").

We therefore write to respectfully request Your Honor's permission, on the government's behalf, for the government to engage in a discussion with counsel for Mr. Morgan and any necessary third parties to address potential transactions and related questions about any and all Unindicted Real Properties. We have no objection in this instance because such government communications with third parties will include Mr. Morgan. We expect the

¹ We can provide the Court with a copy of the government's August 6, 2019 email if requested.

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government will also consult with and include Mr. Morgan in any future communications with third parties about Unindicted Real Properties.

Respectfully yours,

/s/Joel M. Cohen

Joel M. Cohen

cc: Mr. Lee G. Dunst
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